# MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION OPEN MEETING MINUTES APRIL 26, 2022

# This meeting was held via internet and telephone conference call.

# **Trustees Participating:**

Cricket Goodall, Vice Chair

Steve Connelly, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture

Jerome Klasmeier, representing Comptroller Peter Franchot

Joanna Kille, representing Treasurer Dereck E. Davis

Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland

Department of Planning

Gilbert "Buddy" Bowling

Catherine Cosgrove

Gary Dell

Joseph Wood

J. Bruce Yerkes

#### Trustees Absent:

William Allen, Chair Elizabeth Hill

#### Others Participating:

Michelle Cable, MALPF Executive Director

Diane Chasse, MALPF Administrator

Chana Turner, MALPF Administrator

Sarel Cousins, MALPF Administrator

Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator

Patrick Martyn, Assistant Attorney General, Department of General Services

Renee Dyson, Assistant Attorney General, Department of General Services

Mike Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture

Beth Beales, Caroline County Program Administrator

Donna Landis-Smith, Queen Anne's County Program Administrator

Megan Benjamin, Baltimore County Program Administrator

J.P. Smith, Jr., Carroll County Program Administrator

Jackie Brathuhn, Carroll County Staff

Bill Amoss, Harford County Program Administrator

Billy Gorski, Anne Arundel County Staff

Kathleen Seay, Charles County Staff

Jennifer David, Calvert County Staff

Will LeFort, DGS Appraiser

Ashleigh & Sandi Hall (Orendorff Holdings, LLC), Carroll County landowners Fatimah Hasan, Maryland-National Capital Park and Planning Commission

Ms. Goodall, Vice-Chair, called the meeting to order at 9:01 a.m. via internet and telephone conference call. Ms. Cable stated the names of the participants on the conference call, for the record, and asked anyone that was not named to identify themselves.

#### I. APPROVAL OF MINUTES

A. Approval of Open Minutes from March 22, 2022.

Motion #1:

To approve minutes from March 22, 2022.

Motion:

Klasmeier

Second:

Bowling

Status:

Approved

## II. ADDITION / DELETION OF AGENDA ITEMS

Ms. Cable informed the Board that beyond the additional items that were emailed to the Board the previous week, there were no other additions or deletions to the agenda.

# III. ANNOUNCEMENTS

Ms. Cable reminded the non-State official Board members to complete and submit their ethics and financial disclosure forms for calendar year 2021.

Ms. Cable also asked all participants to keep themselves muted, and when unmuted, to clearly state their names before asking a question, or making a motion, etc. She reminded the Board members that when motions were made, Board members only needed to state their names if they were voting in opposition to the motion, rather than saying "aye" to vote in favor of a motion.

#### IV. EASEMENT AMENDMENTS

A. ST. MARY'S COUNTY

1. 18-94-02ae SUB#2

Philip H. Dorsey III Revocable Trust

~54.94 acres

Donna J. Dorsey Trust

Request:

Request approval to exclude up to 2 acres for a child lot for the Robert Dorsey Trust.

Recommendation:

Staff recommends approval.

Ms. Cousins introduced the item and was available for any questions from the Board. Ms. Herr-Cornwell asked about the septic system connection to the house site as part of the lot and MALPF staff confirmed the pipestem follows September Point Lane.

Motion #2:

To approve a child's lot for Robert Dorsey, up to 2-acres, as

presented.

Motion: Status: Herr-Cornwell Approved Second:

Klasmeier

B. BALTIMORE COUNTY

1. 03-17-04

Megan Carroll, Trustee

~76 acres

The Meds 2021 Irrevocable Trust

Request:

Request approval of Megan Carroll, Trustee of The Meds 2012 Irrevocable Trust, a contract purchaser of MALPF-eased property for approval to relocate a pre-existing dwelling.

Recommendation:

Staff recommends approval conditioned upon:

1) Megan Carroll, Trustee of The Meds 2012 Irrevocable Trust (the contract purchaser) acquiring title to the property;

recording of an amendment to the deed of easement in the Baltimore County land 2) records that will:

document the new location of the dwelling;

affirm that the dwelling will be non-subdivideable from the farm; b)

- describe the terms and conditions of the Foundation's approval for relocation of c) the dwelling pursuant to COMAR 15.15.04.05;
- the existing dwelling being demolished within 60 days of receiving a use and occupancy permit for the new dwelling or sooner, if required by county law;
- review and approval by the MALPF Board of a Forest Buffer Easement to Baltimore County, including any other documentation that may need to be approved by the MALPF Board in connection therewith; and
- signing and returning within 30 days of its issuance, a letter acknowledging and agreeing to the terms and conditions of the approval of approval of the request.

Ms. Turner introduced the item. Ms. Benjamin was available for any questions from the Board. Multiple Board members expressed concern about the location of the driveway as shown on the map. The Board asked MALPF staff to follow up with County to ensure the location of the driveway would have the least impact on the farm.

Motion #3:

To approve the relocation request, incorporating staff

recommended conditions, as presented.

Motion:

Klasmeier

Second:

Wood

Status:

Approved

#### C. CARROLL COUNTY

1. 06-80-13 SUB#1 Orendorff Holdings, LLC

~120.454 acres

(owns 6.3 acres)

Request:

Request for approval of a septic system on the easement, which will service a residence and a proposed wedding venue (tents and bathroom) which are not located on easement land.

Recommendation:

Staff recommends approval of the request subject to:

1. Compliance with the local board's condition to approval that the type of septic system be an underground "deep or shallow trench system; and

County Health Department's final recommendations regarding alternative location being reviewed and approved by Foundation staff.

Ms. Chasse introduced the item. Mr. Smith, and Ms. Brathuhn with Carroll County were available to address the Board. The landowners, Ashleigh and Sandi Hall were also present and available to address any questions from the Board.

Ms. Chasse noted to the Board that there was actually a third staff recommended-condition that was described in the "background" section in the Staff memo, but inadvertently left off the list of conditions. The third recommended condition is that if/when an overlay easement becomes necessary in the future, then review of any such draft easement shall be provided to the Foundation so that it may be reviewed by the Office of the Attorney General.

Motion #4:

To approve the request to allow a septic system to be located on the easement area, subject to all three of the staff recommended

conditions, as presented.

Motion:

Yerkes

Second:

Dell

Status:

Approved

#### **NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:** V.

#### VI. PROGRAM POLICY

A. Legislative Update

Ms. Turner provided the Board with the final status of 2022 legislation which may affect MALPF.

B. FY23 Easement Acquisition Cycle Recommendations.

Ms. Cable presented the Board with the final approved budget for MALPF for FY23, and proposed the following structure for the FY23 application cycle, regarding numbers of applications accepted, based on the higher level of funding (State and County combined is \$72,203,328):

A. Maximum number applications to be submitted to DGS for appraising: 16.

B. Counties with a high volume of applicants are allowed to submit up to 21 applications by the July 1st deadline, provided that at least 5 of the 21 applications are still eligible to potentially receive a Round 2 offer in the FY 2022 cycle.

C. Counties submitting more than 16 applications must submit a preliminary ranking of all the applicants, up to the full 21, by July 1st, and provide a final ranking of the top 16 applicants by July 31st. This gives the Counties through the July Board meeting to learn if any additional FY 2022 applicants receive easement offers.

Motion #5:

To approve the recommended structure of accepting FY23

applications, as presented.

Motion:

Herr-Cornwell

Second:

Kille

Status:

Approved

#### VII. INFORMATION AND DISCUSSION

A. FY 2022 Quarterly Inspection Report

Ms. Hoxter provided the Board with the quarterly inspection report.

## VIII. CLOSED SESSION

Ms. Goodall asked for a motion for adjournment of the meeting to move into a closed session, pursuant to the applicable provisions of General Provisions Article Section 3-305 (b): (3) to consider the acquisition of real property for a public purpose and matters directly related to the acquisition; and (7) to consult with counsel to obtain legal advice.

Motion #6:

To adjourn the regular session at 9:53 a.m. to move into a closed session to consider the acquisition of real property for a public purpose and matters directly related to the acquisition; and to consult with counsel to obtain legal advice.

Motion:

Cosgrove

Second: Klasmeier

Status:

Approved

The Closed Meeting of the Board was held from 10:02 a.m. to 11:03 a.m. on April 26, 2022 via internet and telephone conference call, pursuant to the provisions of the General Provisions Article Section 3-305 (b): Annotated Code of Maryland:

General Provisions Article Section 3-305(b):

- (3) to consider the acquisition of real property for a public purpose and matters directly related to the acquisition; and
- (7) to consult with counsel to obtain legal advice.

During the Closed Meeting, the following Board members were present: Cricket Goodall, Vice Chair, Jerome Klasmeier, representing Comptroller Peter Franchot, Joanna Kille, representing Treasurer Dereck E. Davis, Deborah Herr Cornwell, representing Secretary Robert McCord,

Maryland Department of Planning, Steve Connelly, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, Gilbert "Buddy" Bowling, Gary Dell, Cathy Cosgrove, Joe Wood, and J. Bruce Yerkes.

The following Board members were absent: William Allen, Chair and Elizabeth Hill.

The following MALPF staff and legal representatives were also present during the closed session meeting: Michelle Cable, Diane Chasse, Chana Turner, Sarel Cousins, Kim Hoxter, Michael Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture, Patrick Martyn, Assistant Attorney General, Maryland Department of General Services and Renee Dyson, Assistant Attorney General, Maryland Department of General Services.

# TOPICS DISCUSSED:

- A. Approval of March 22, 2022 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. FY 2022 Offers

Respectfully Submitted:

Michelle Cable, MALPF Executive Director